

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RE:)	
)	Bankruptcy No. 17-70045-JAD
)	
MICHAEL DAVID SCOTT,)	Chapter 7
Debtor.)	
<hr/>	X	
)	
)	Doc. No.
)	
THE BANK OF NEW YORK)	
MELLON TRUST COMPANY,)	Related to Doc. Nos. 220, 455
N.A., AS SUCCESSOR-IN-)	
INTEREST TO ALL PERMITTED)	
SUCCESSORS AND ASSIGNS OF)	
JPMORGAN CHASE BANK N.A.)	
AS TRUSTEE, FOR)	
CERTIFICATEHOLDERS OF)	
NOMURA ASSET ACCEPTANCE)	
CORPORATION, MORTGAGE)	
PASS-THROUGH)	
CERTIFICATES, SERIES 2005-)	
AR2,)	
)	
Movant,)	
)	
-vs-)	
)	
MICHAEL DAVID SCOTT, aka)	
THE CRAWFORD GROUP LLC)	
aka MACAUALY FAMILY)	
REALTY TRUST,)	
)	
AND)	
)	
JAMES R. WALSH, ESQUIRE)	
(TRUSTEE),)	
)	
Respondents.)	
<hr/>	X	

SECOND AMENDED ORDER SCHEDULING EVIDENTIARY HEARING

AND NOW, this Court having received the *Motion of the Bank of New York Mellon for an Extension of Time to Comply with the Order of December 15, 2017, Regarding Production of Documents* (ECF No. 474), enters an order contemporaneously herewith granting the requested extension. Accordingly, the dates previously set for the evidentiary hearing on the Motion for Relief (ECF No. 455), must be modified. Therefore,

IT IS HEREBY ORDERED that an evidentiary hearing is scheduled for **11:00 A.M., Thursday, March 22, 2018**, in **Courtroom B**, First Floor, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901. Only two (2) hours is allotted for this Evidentiary Hearing.

The two matters subject to trial at the Evidentiary Hearing are as follows:

- (1) Is the Movant the holder of the Mortgage such that it is entitled to enforcement as Mortgagee under applicable Massachusetts Foreclosure Law?
- (2) Is the Movant the holder of the Note such that the Movant is entitled to enforcement of the Note under applicable Massachusetts Foreclosure Law?

Any **expert report** that may be offered must be produced, and **expert witness** identified in writing, each not later than **March 1, 2018**. Any expert report that may be offered shall be delivered to Judge Deller's Chambers, 54th Floor, USX Tower, Pittsburgh PA, 15219, and the expert witness list shall be filed, and each shall be contemporaneously served on the other parties to this matter not later than **March 13, 2018**. Any expert rebuttal reports that may be

offered shall be delivered to Judge Deller's Chambers, 54th Floor, USX Tower, Pittsburgh PA, 15219, and the expert rebuttal witness list shall be filed, and each shall be contemporaneously served on the other parties to this matter not later than **March 13, 2018**.

All **exhibits** to be offered as evidence at the Evidentiary Hearing are to be submitted to the Court in a binder, with an index, and each exhibit separately marked and tabbed, and delivered to Judge Deller's Chambers, 54th Floor, USX Tower, Pittsburgh PA, 15219, prior to **March 13, 2018**, and contemporaneously served on the other parties to this matter.

The parties are to file a list of the witnesses they intend to call, which list must be filed with the Court prior to **March 13, 2018**, labeled as "Witness List for Evidentiary Hearing Relating to Motion Filed at ECF No. 220," and contemporaneously served on the other parties to this matter. Other than for the Debtor, **all counsel and witnesses must appear in person at the Evidentiary Hearing in Courtroom B, First Floor, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901. The Debtor shall appear by AUDIO conference.**

IT IS SO ORDERED.

Date: December 29, 2017

/s/ Jeffery A. Deller

Jeffery A. Deller

Chief, US Bankruptcy Judge

cc: **Case Administrator to Serve:**

Michael David Scott, via regular mail **and** via email, attention
khite@bop.gov

Chapter 7 Trustee

James A. Prostko, Esquire

Imaged Certificate of Notice Page 5 of 6

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Michael David Scott
DebtorCase No. 17-70045-JAD
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: mgut
Form ID: pdf900Page 1 of 2
Total Noticed: 1

Date Rcvd: Dec 29, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 31, 2017.

db +Michael David Scott, 772 Saint Joseph St., c/o FCI Loretto, Loretto, PA 15940-7006

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 31, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 29, 2017 at the address(es) listed below:

Brett L. Messinger on behalf of Defendant US Bank National Association as Trustee
blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Creditor US Bank National Association as Trustee for Credit Suisse First Boston Mortgage Securities Corp. Mortgage Backed Pass Through Certificates Series 2004-AR-7 and Ocwen Loan Servicing, LLC blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Defendant Ocwen Loan Servicing LLC
blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Defendant U S Bank National Associates as Trustee For Credit Suisse First Boston Mortgage Securities Corp blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Defendant U.S. Bank National Association as Trustee for Credit Suisse First Boston Mortgage Securities Corp. Mortgage Pass Through Series 2004-AR7 blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Creditor U.S. Bank, National Association as Trustee Under the Pooling and Servicing Agreement Dated as of May 1, 2006, GSAMP Trust 2006-HE3 Mortgage Pass-Through Certificates Series 2006-HE3 and Ocwen Loan Ser blmessinger@duanemorris.com, LMTryon@duanemorris.com

Denver E. Wharton on behalf of Creditor Khanda, LLC dew@ktwllaw.com, r42l23@notify.bestcase.com

Heather A. Sprague on Behalf of the United States Trustee by on behalf of U.S. Trustee Office of the United States Trustee Heather.Sprague@usdoj.gov

James Warmbrodt on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmlawgroup.com

James A. Prostko on behalf of Creditor U.S. Bank, National Association, as Trustee, et al... pawb@fedphe.com, james.prostko@phelanhallinan.com

James A. Prostko on behalf of Creditor The Bank Of New York Mellon Trust Company, N.A., et. al. pawb@fedphe.com, james.prostko@phelanhallinan.com

James A. Prostko on behalf of Attorney James A. Prostko pawb@fedphe.com, james.prostko@phelanhallinan.com

James R. Walsh jwalsh@spencecuster.com, trustee@spencecuster.com; kpetak@spencecuster.com; rsnyder@spencecuster.com; skosis@spencecuster.com; mskunta@spencecuster.com; jwalsh@ecf.epiqsystems.com; gbivens@spencecuster.com

James R. Walsh on behalf of Trustee James R. Walsh jwalsh@spencecuster.com, trustee@spencecuster.com; kpetak@spencecuster.com; rsnyder@spencecuster.com; skosis@spencecuster.com; mskunta@spencecuster.com; jwalsh@ecf.epiqsystems.com; gbivens@spencecuster.com

Jeremy J. Kobeski on behalf of Creditor The Bank Of New York Mellon Trust Company, N.A., et. al. pawb@fedphe.com

Jill Locnikar on behalf of Creditor United states of america jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov; deborah.verrilla@usdoj.gov; caseview.ecf@usdoj.gov

Jill Locnikar on behalf of Defendant United States Department of Justice, et al. jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov; deborah.verrilla@usdoj.gov; caseview.ecf@usdoj.gov

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Page 2 of 2
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Jill Locnikar on behalf of Defendant U.S Department of Education jill.locnikar@usdoj.gov,
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Jonathan W. Chatham on behalf of Creditor PA Dept of Revenue RA-occbankruptcy7@pa.gov
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Kevin Scott Frankel on behalf of Defendant Korde & Associates P C pakb@logs.com
Kristen D. Little on behalf of Defendant Korde & Associates P C pakb@logs.com
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Ronald E. Reitz on behalf of Creditor ROSE AKE rreitz@margolisedelstein.com
Ronald E. Reitz on behalf of Plaintiff BONABERI CORPORATION rreitz@margolisedelstein.com
Ronald E. Reitz on behalf of Creditor BONABERI CORPORATION rreitz@margolisedelstein.com
Ronald E. Reitz on behalf of Plaintiff ROSE AKE rreitz@margolisedelstein.com
Stephen G. Murphy on behalf of Defendant The Commonwealth of Massachusetts
murphys@dor.state.ma.us
Stephen G. Murphy on behalf of Creditor Massachusetts Department of Revenue
murphys@dor.state.ma.us
Stephen G. Murphy on behalf of Defendant Commonwealth of Massachusetts murphys@dor.state.ma.us
William E. Miller on behalf of Defendant US Bank National Association as Trustee
wmiller@sterneisenberg.com, bkecf@sterneisenberg.com
William E. Miller on behalf of Creditor U.S. Bank, National Association As Trustee For et al.
wmiller@sterneisenberg.com, bkecf@sterneisenberg.com
William E. Miller on behalf of Creditor U.S. Bank, National Association as Trustee Under the
Pooling and Servicing Agreement Dated as of May 1, 2006, GSAMP Trust 2006-HE3 Mortgage
Pass-Trough Certificates Series 2006-HE3 C/O Phelan Hallinan wmiller@sterneisenberg.com,
bkecf@sterneisenberg.com

TOTAL: 38